

**Amendments to the Drawings:**

Five (5) sheets of new drawings depicting Figs. 1-4, each marked with "Replacement Sheet" are filed herewith, and five (5) sheets of annotated drawings of as-filed Figs. 1-4, marked to designate their deletion are also filed herewith.

## **REMARKS**

In the Office Action the Examiner withdrew a number of claims from consideration asserting that they were directed to a non-elected invention and or species with no allowable generic or linking claim. The Examiner considers the elected species to be that of Figs. 3a-3e and he asserts that such figures depict an apparatus where wrapping is done before the compression (See Page 3, Office Action dated January 13, 2009). In the Office Action of May 29, 2009 he did not consider claims 13 and 14 to be directed to an apparatus where wrapping is done after activation of the mechanical compressing means and the subsequent wrapping. The Examiner is respectfully directed to Fig. 3b where it depicts wrapping is after compression.

Because the subject matter of claims 13 and 14 are related to the elected embodiment of Figs. 3a-3e (specifically Fig. 3b) Applicant respectfully requests that claims 13 and 14 be examined.

The Examiner has requested certain amendments to the specification and Abstract. The specification has been appropriately amended and a new Abstract is submitted herewith. It is respectfully requested that those objections be withdrawn.

The Examiner has objected to the drawings. Applicant files herewith new drawings eliminating the characteristics found objectionable by the Examiner. It is respectfully requested that the objections to the drawings be withdrawn.

The Examiner has rejected the claims under 35 U.S.C. §112 asserting that the recitation of the evacuation means does not set forth what is being evacuated. Applicant has amended claim 10 (from which all other claims depend) to eliminate that basis for rejection. It is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claims 10-12, 15/10, 15/11 and 16 under 35 U.S.C. §102 asserting that U.S. patent 4,377,061 to Olson discloses the wrapping, compressing and evacuating mineral wool “which meets all of applicant's claimed subject matter.” Office Action, page 5. The Examiner's rejection is respectfully traversed.

MPEP 2131 makes it clear that for a prior art reference to anticipate a claim every element in the claim must be found, either expressly or inherently, in a single prior art reference, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Claim 10 has been amended to clarify that the claimed apparatus has an evacuating station that includes the evacuating means, that the opposed surfaces maintain the dimensional reduction during evacuating, and that the same opposed surfaces also maintain the dimensional reduction when the compressed product is transferred to the evacuating means prior to the subsequent evacuating. The feature that the opposed surfaces maintain the dimensional reduction during evacuating is found in claim 15 and since that feature is now included in claim 10 claim 15 has been cancelled. Support for the feature that the same opposed surfaces also maintain the dimensional reduction is found in the specification at page 4, line 11..

Support for the feature of an “evacuating station” is found in the drawings as designated by the letter E and the evacuating means that are part of the evacuating station is indicated in the drawings by numeral 40. The terminology has been corrected in that the term “evacuation” has been replaced generally by the term “evacuating.” Support for the removal (by the evacuating means) of gas within the pores of the mineral wool to reduce the gas pressure within the wrapped, compressed mineral wool

product is found in the specification at page 2, lines 19-20, page 4, lines 13-15, and page 8, line 23.

In contrast to the apparatus of amended claim 10, the apparatus of U.S. Patent 4,377,061 (as shown in detail in Figs. 8, 9 and 13A) allows the commodity C to re-expand as it is transferred from the sealing assembly 12 to the vacuum packing apparatus 14. In addition, when the commodity C has finally entered the vacuum chamber 446, re-expansion of the commodity C continues until gasket of flange 440 has been lowered against supporting plate 424 (see col. 8, lines 19-24) and the pressure within the chamber 446 has eventually brought the diaphragm 434 to rest against the upper surface of the product, see col. 10, lines 44-49. Only at this point is further re-expansion prevented and the commodity C is then flattened.

As appears from Fig. 17, the only exposed surfaces of the vacuum chamber that act on the surface of the commodity C are diaphragm 434 and belt 400 running on surface 424. Of these two surface diaphragm 434 does not and cannot maintain the dimensional reduction of commodity C since it is brought against the upper surface of commodity C after some re-expansion thereof has already taken place.

Claim 10 as amended is novel over U.S. Patent 4,377,061 in that this reference does not disclose the claimed opposed surfaces that maintain the dimensional reduction brought about by the compressing means and that also maintains the dimensional reduction during the evacuating by the evacuating means.

A problem with mineral fiber products for building insulating purposes made using the apparatus shown in Fig. 13A of U.S. Patent 4,377,061 is that the final product when unwrapped is unlikely to have desirable properties in terms of its ability to provide

good building heat insulation and in terms of its ability to recover its original dimension T, see Fig. 1 of the present application. It is believed that this is so because the re-expansion and the subsequent flattening by the diaphragm 434 of the re-expanded product (see col. 10, line 48) damages the fiber structure of the product through some fibers breaking while also the bonds between adjacent fibers within the fiber structure may yield. To some extent the first compression of the product and the final re-expansion of the product when the wrapping is removed will have this effect but it is believed that the intermediate re-expansion and the following flattening by diaphragm 434 will give rise to a highly undesirable further damage of the fiber structure with the consequence that the product may regain or recover much less of its original dimension than with the present invention as claimed in amended claim 10. If the mineral wool product does not regain or recover almost its original dimension this will lead to a reduction in the product's ability to serve as heat insulation in buildings.

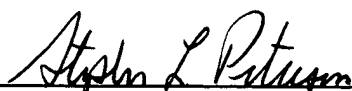
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required, and not separately requested, to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: August 31, 2009

By:   
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Reg. No. 26,325

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## Abstract

~~A method of making a package (5) comprising a mineral wool product (1) substantially air-tightly enclosed by a foil (25), characterized by bringing about a dimensional reduction of said mineral wool product (1) by mechanically compressing said mineral wool product (1) in a first direction using mechanical compressing means (30) an evacuating said dimensionally reduced mineral wool product (1) enclosed by said foil (25).~~

An apparatus for making a substantially air-tight foil package for mineral wool that includes a mechanical compressing means for receiving the mineral wool it in a first direction to bring about a dimensional reduction thereof. A wrapping means encloses the mineral wool with a web of a substantially air-tight foil. An evacuating station is arranged downstream of the compressing means and it includes an evacuating means for evacuating the mineral wool compressed by the compressing means and enclosed by the foil. The evacuating station includes opposed surfaces for maintaining the dimensional reduction during transfer to the evacuating means of the foil enclosed mineral wool compressed by the compressing means. The opposed surfaces maintain the dimensional reduction during evacuation by the evacuating means.

# ANNOTATED SHEET SHOWING CHANGES

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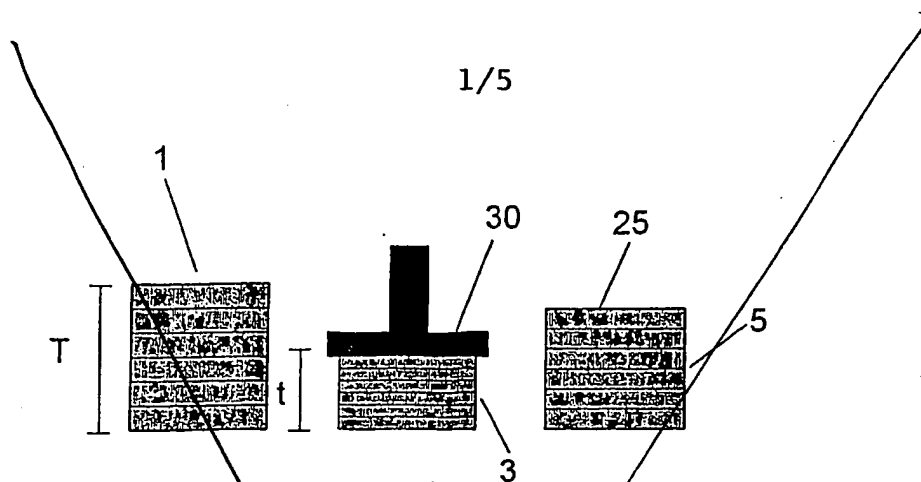


Fig. 1

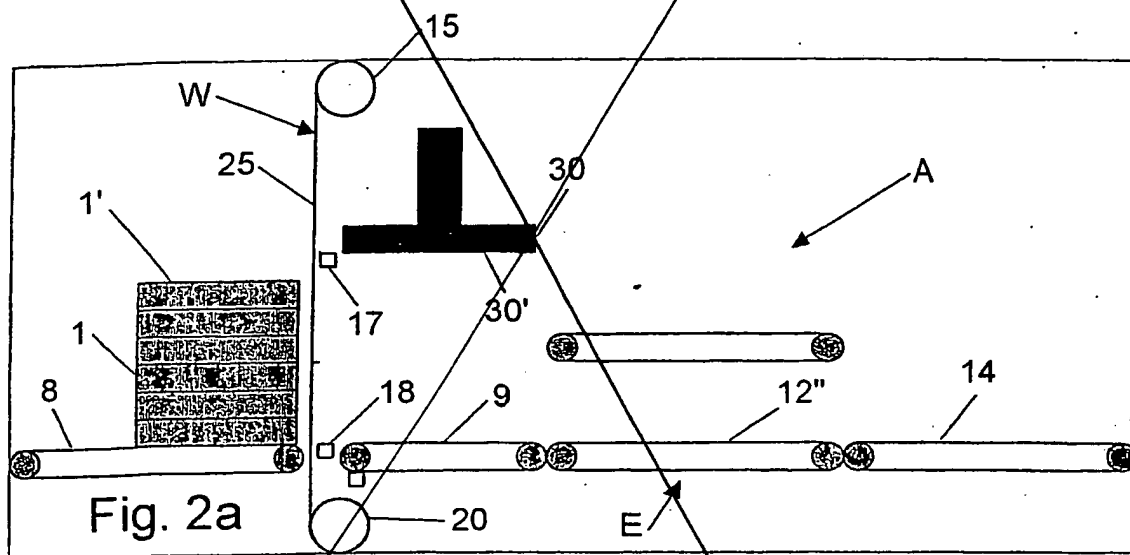


Fig. 2a

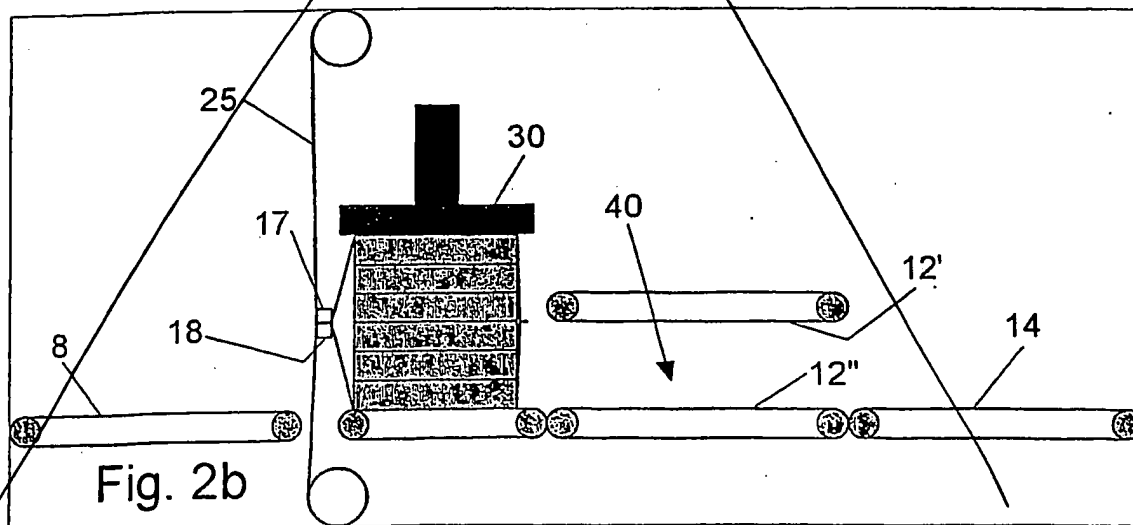


Fig. 2b

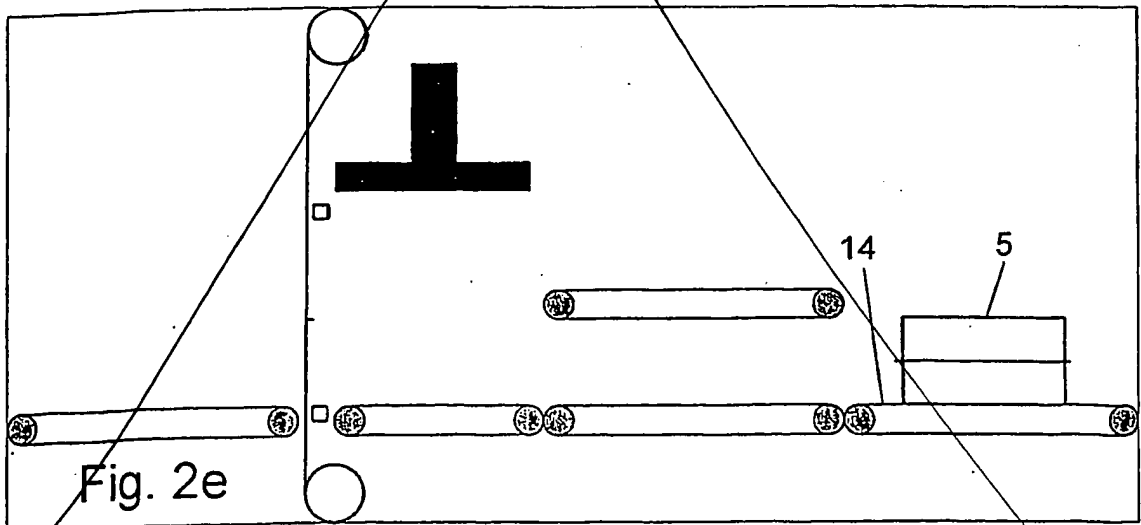
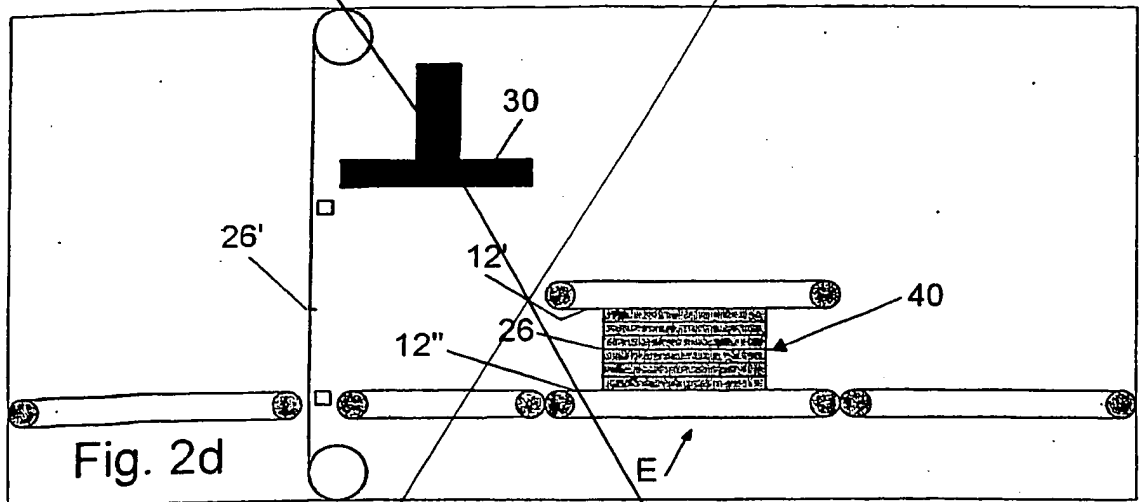
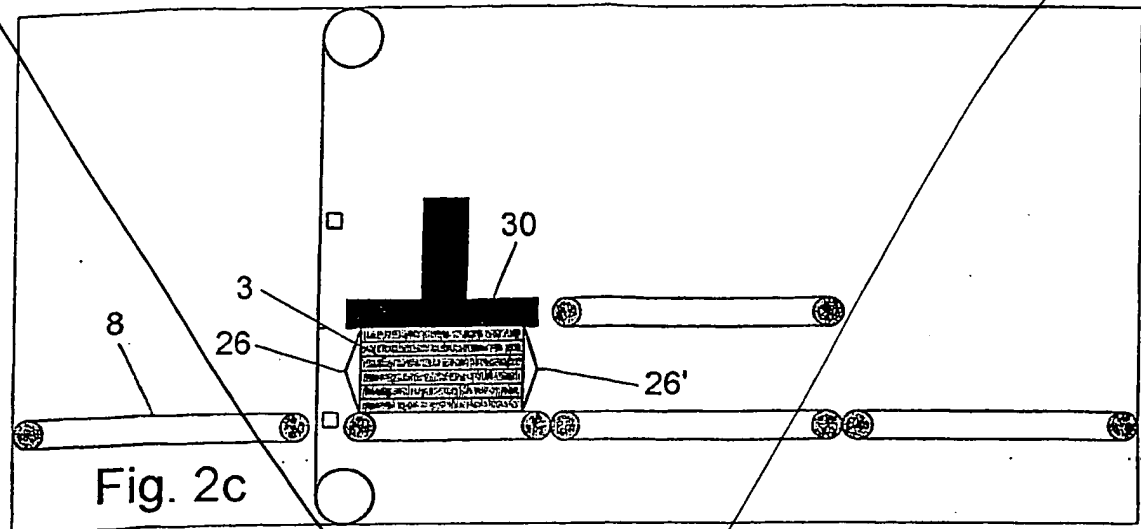


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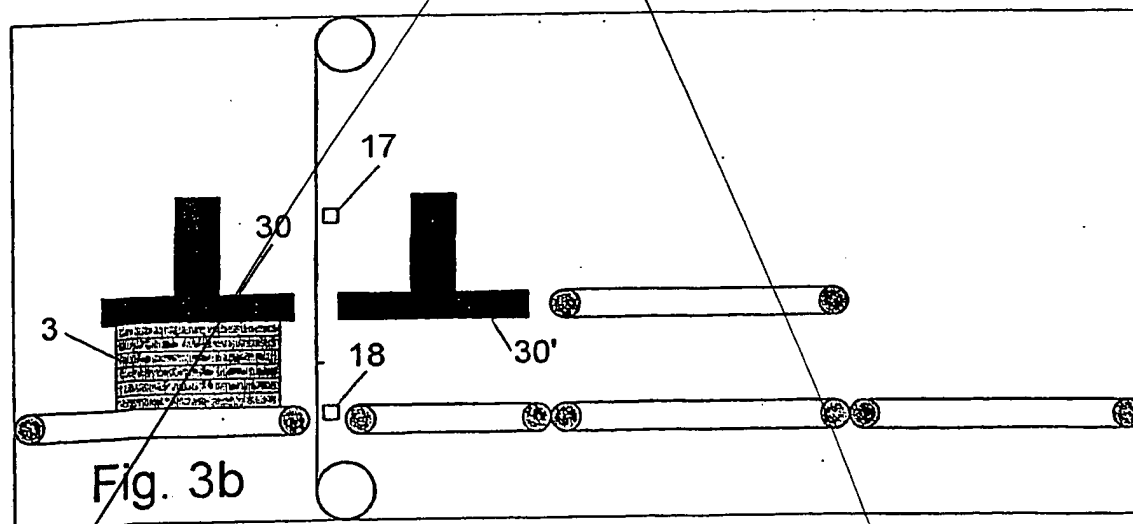
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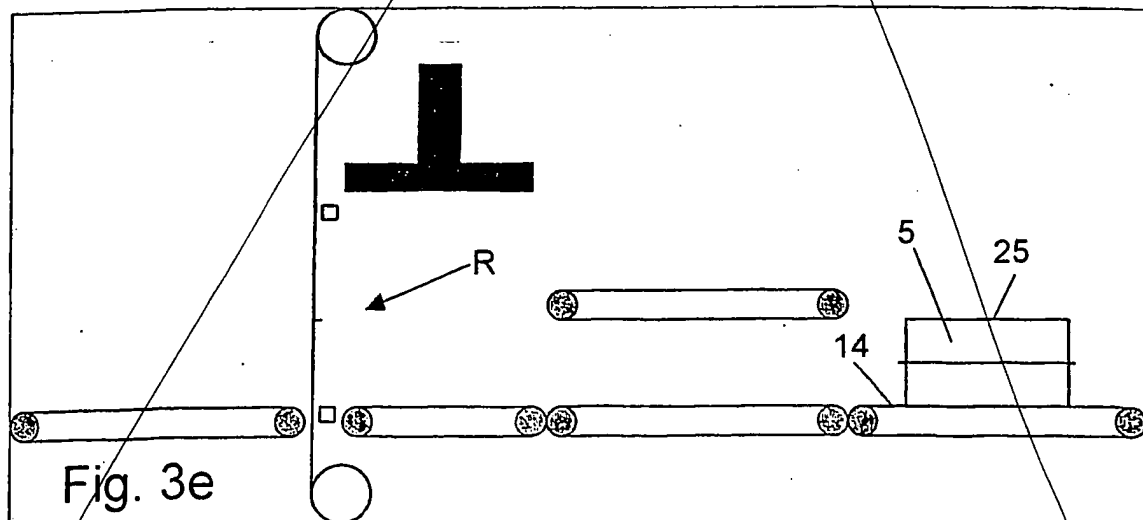
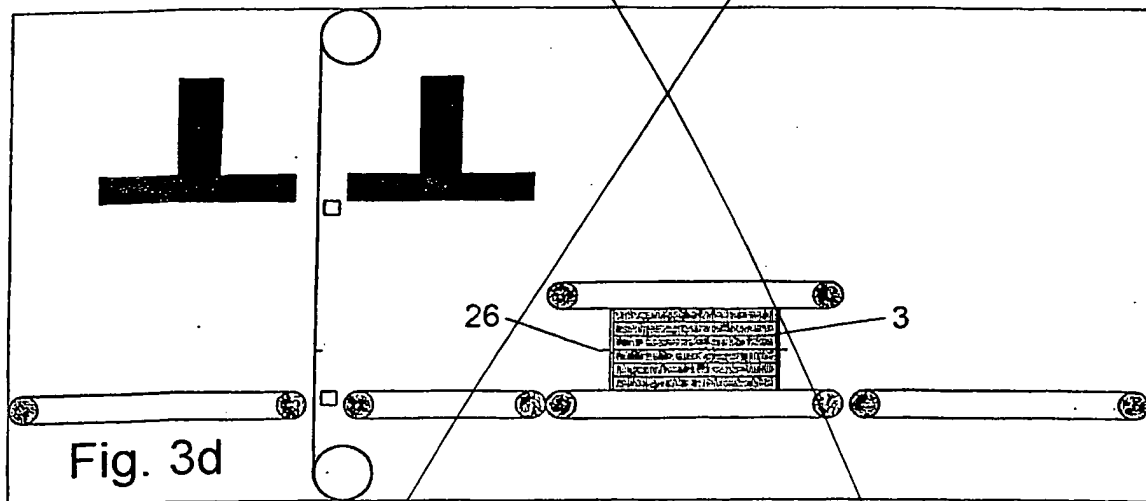
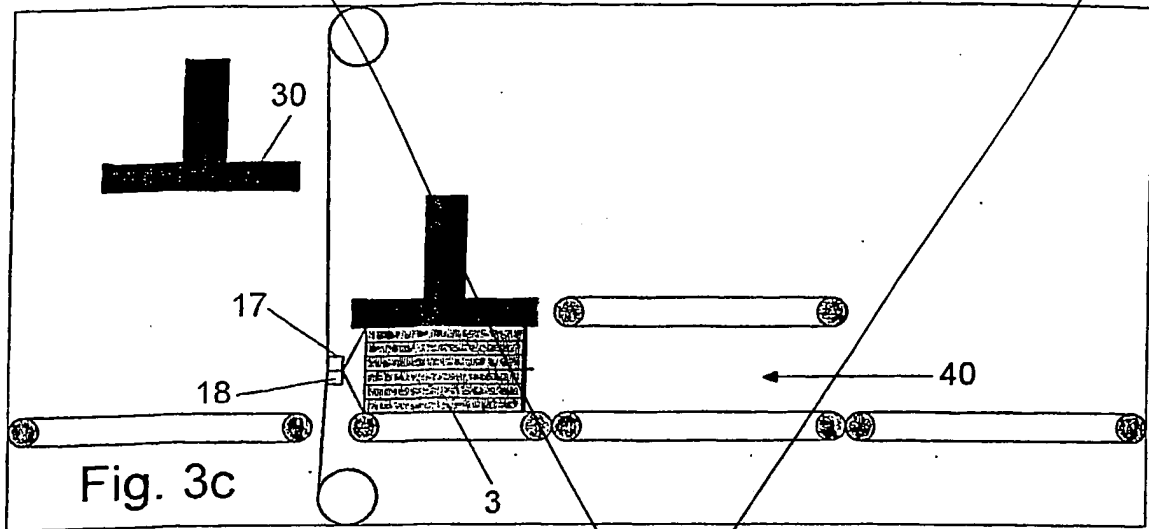


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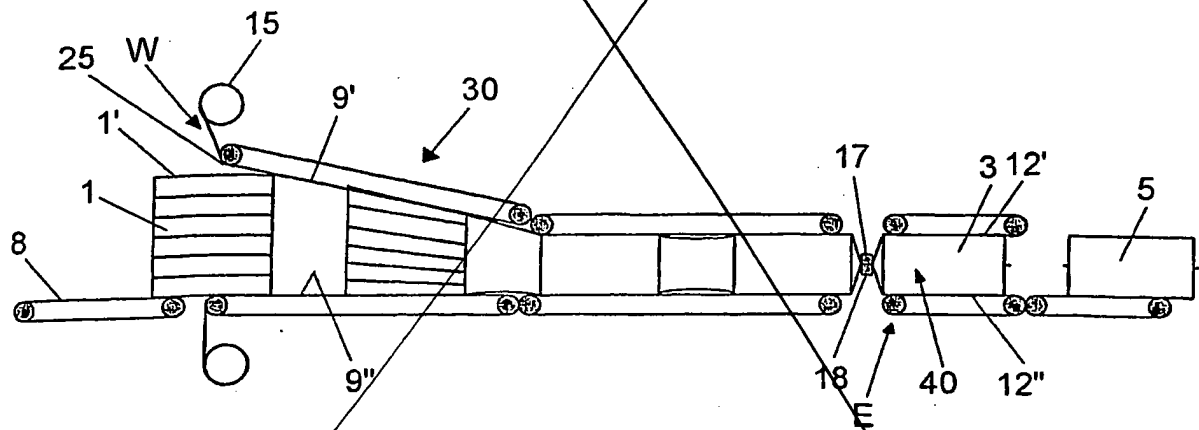


Fig. 4